



ACT
Legislative
Assembly

Electoral Boundaries
Redistribution 2019

**Statement by the
Augmented ACT
Electoral Commission
of its reasons for its
proposed redistribution
of the ACT Legislative
Assembly electoral
boundaries**



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ACT Legislative Assembly Electoral Boundaries Redistribution 2019

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ACT Legislative Assembly Electoral Boundaries Redistribution 2019

Statement by the Augmented ACT Electoral Commission of its reasons for its proposed redistribution of the ACT Legislative Assembly electoral boundaries

This statement by the Augmented ACT Electoral Commission under section 51 of the *Electoral Act 1992* sets out the results of the Augmented Commission's investigation of the objections against the Redistribution Committee's proposal under section 49 of the Electoral Act and sets out the reasons for the Augmented Commission's proposed redistribution of the ACT Legislative Assembly electoral boundaries under section 50 of the Electoral Act.

Summary of the redistribution proposed by the Augmented ACT Electoral Commission

After considering seven written objections to the electoral boundaries proposed by the Redistribution Committee, the Augmented Commission has decided to adopt the boundaries proposed by the Redistribution Committee unchanged.

The Augmented Commission proposes that the ACT be divided into five electorates as follows:

Brindabella, a five Member electorate comprising the district of Tuggeranong (excluding the section of the Tuggeranong suburb of Kambah that is East of Drakeford Drive, and that portion of Tuggeranong District between Drakeford Drive and Athllon Drive) and the districts of Booth, Cotter River, Paddy's River, Rendezvous Creek, Tennent and Mount Clear;

Ginninderra, a five Member electorate comprising the district of Belconnen (excluding the suburbs of Giralang and Kaleen);

Kurrajong, a five Member electorate comprising the district of Canberra Central (excluding the suburbs of Deakin and Yarralumla), and the districts of Jerrabomberra (including the entire suburb of Hume), Kowen and Majura;

Murrumbidgee, a five Member electorate comprising the districts of Molonglo Valley, Weston Creek, Woden Valley, Coree (including the village of Uriarra) and Stromlo, the section of the Tuggeranong suburb of Kambah that is East of Drakeford Drive, and that portion of Tuggeranong District between Drakeford Drive and Athllon Drive, and the Canberra Central suburbs of Deakin and Yarralumla; and

Yerrabi, a five Member electorate comprising the districts of Gungahlin and Hall and the Belconnen District suburbs of Giralang and Kaleen.

Augmented ACT Electoral Commission

Dawn Casey – Damian Cantwell – Philip Moss –

Ben Ponton – Jeffrey Brown – Beidar Cho

As the Augmented Commission has accepted the proposal of the Redistribution Committee without change, the proposal of the Augmented Commission is not, within the meaning of section 51(2)(c) of the Electoral Act, significantly different from the Redistribution Committee's proposal. Consequently, there are no further opportunities for public objections. The Augmented Commission will formally complete the redistribution process in the near future by publication of a notifiable instrument of determination under section 35 of the Electoral Act and publication of a report concerning the redistribution.

The Augmented Commission comprises the members of the ACT Electoral Commission (Chairperson, Ms Dawn Casey; Electoral Commissioner, Mr Damian Cantwell AM; and Commission Member, Mr Philip Moss AM) and members of the Redistribution Committee (Planning and land authority (Mr Ben Ponton), the Surveyor-General (Mr Jeffrey Brown) and a person appointed by the ACT Electoral Commission, the Director of Demography, Australian Bureau of Statistics (Ms Beidar Cho).

Map of final boundaries



Objections to the Redistribution Committee's proposal

The Augmented Commission met on 6 June 2019 to investigate seven objections made in accordance with section 46 of the Electoral Act to the Redistribution Committee's proposed redistribution of the ACT Legislative Assembly's electoral boundaries published on 7 May 2019.

Note that the term "objections" is used in the Electoral Act to denote submissions made in response to proposed redistributions published by the Redistribution Committee. In practice, these submissions may be opposed to or supportive of the proposed redistributions. Therefore, use of the word "objections" does not necessarily imply that a submission denoted as an objection is opposed to the proposal under review.

The objections were made by:

Objections from organisations:

- ACT Labor
- Canberra Liberals
- Deakin Residents Association
- Inner South Canberra Community Council
- Yarralumla Residents Association

Objections from individuals:

- Chris Erett
- Elizabeth Gillespie

Copies of the objections can be obtained from the Elections ACT website at: www.elections.act.gov.au/electoral_boundaries/redistributions/2018-2019-redistribution or from the office of the ACT Electoral Commission, Ground Floor, North Building, 180 London Circuit, Civic Square, Canberra City ACT.

Electorate names

The Augmented Electoral Commission notes that no objections were raised in relation to the Redistribution Committee's proposal to retain the electorate names of Brindabella, Ginninderra, Kurrajong, Murrumbidgee and Yerrabi.

Accordingly, no further investigations were undertaken into the name of the five electorates and the Augmented Electoral Commission unanimously agreed to maintain the five electorate names.

Electorate boundaries

Summaries of objections

A brief summary of each of the seven objections:

ACT Labor

ACT Labor endorses the proposed redistribution's inclusion of the suburbs of Lawson, Evatt and McKellar from Yerrabi to Ginninderra, stating that this is broadly consistent with their own submission.

ACT Labor also states that it is in support of the move to "shift part of Kambah from Murrumbidgee into Brindabella" however state that "the proposal to redistribute the inner south suburbs of Deakin and Yarralumla from Kurrajong into Murrumbidgee creates a significant problem for maintaining this community of interest together and providing for good democratic representation for the residents of this area."

ACT Labor argue that it is "worth examining the criteria used in Part 4, 36 of the Electoral Act to consider the redistribution of divisional boundaries." ACT Labor continue by stating that it is their view that the Commission should consider whether it is "practicable to redistribute a single suburb from the electorate that incorporates its natural community of interest – Kurrajong – into an electorate with which it has very little relationship – Murrumbidgee." They argue that this would create unnecessary confusion for the residents of the suburb that is reallocated, as to who their local representatives are; creating an "inequity of representation for those residents in the inner south because they are unlikely to receive the same level of representation when placed in an electorate with which they have little connection".

ACT Labor conclude by stating that they are of the view that the costs to the local community of reallocating an inner south suburb to Murrumbidgee outweigh the issue of Murrumbidgee falling outside of the quota thresholds outlined in the Electoral Act.

Canberra Liberals

The Canberra Liberals offer support to the Redistribution Committee's proposed boundaries, stating that "the inclusion of Deakin and Yarralumla in the electorate of Murrumbidgee is a logical outcome given the key redistribution requirement that each electorate be within +/- 5% of the quota at the time of the next election".

The Canberra Liberals believe that the inclusion of these two suburbs will create a strong inner south community of interest within the Murrumbidgee electorate.

The Canberra Liberals also welcome the proposal to reallocate a number of Belconnen District suburbs from Yerrabi into Ginninderra.

Deakin Residents Association

The Deakin Residents Association believe that, given Kurrajong sits within current and projected quota parameters, the electorate should face no change to its boundaries. They state that moving Deakin from Kurrajong to Murrumbidgee does not make geographical sense and would disadvantage the residents of Deakin for "gaining traction on issues relevant to the residents of Deakin."

They argue that Deakin is geographically part of the inner South; has strong heritage issues similar to surrounding suburbs and unmatched to Woden; has many issues different to that of the Molonglo Valley; and has National Capital Authority (NCA) planning zone requirements that form a close affiliation with Forrest and other inner south suburbs.

Yarralumla Residents Association

The Yarralumla Residents Association is opposed to the proposal to move Yarralumla from the Kurrajong electorate to the Murrumbidgee electorate.

The Yarralumla Residents Association argues that "it is only because the larger part of Kambah (Kambah West) is proposed to be moved to Brindabella that there is a need to increase the numbers in Murrumbidgee. If Kambah West and part of Kambah East is left in Murrumbidgee there is no need to move Yarralumla and Deakin to make up the numbers in Murrumbidgee."

The Yarralumla Residents Association argues that by leaving Kambah West in Murrumbidgee and further adjusting the boundaries of Kambah East to retain 1,000 projected residents in Murrumbidgee and move only 3,842 projected residents from part of Kambah East to Brindabella, no further adjustments to the boundaries of Murrumbidgee or Kurrajong are necessary.

The Yarralumla Residents Association also raises concerns that as population numbers change after the next election, Yarralumla is likely to move back to Kurrajong, causing further disruption to residents as well as ACT Government Ministers and Members.

The Yarralumla Residents Association also provides survey results of Yarralumla Residents Association members showing strong opposition among its members to the proposed move of Yarralumla to Murrumbidgee.

The Yarralumla Residents Association concludes their objection by arguing that Yarralumla's community of interests lay with the inner south which is reinforced by geography; and by arguing that any NCA related matters relevant to Yarralumla will now have responsibility resting with MLAs for Kurrajong and Murrumbidgee.

Inner South Canberra Community Council

The Inner South Canberra Community Council, similar to the Yarralumla Residents Association, argue that the redistribution "could meet its objective by leaving Kambah West and part of Kambah East in Murrumbidgee and moving the balance of Kambah East to Brindabella."

The Inner South Canberra Community Council also raises concerns that as population numbers change after the next election, Yarralumla is likely to move back to Kurrajong, causing further disruption to residents as well as ACT Government Ministers and Members.

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The Inner South Canberra Community Council supplies the same survey results as provided by the Yarralumla Residents Association in their objection and argue that placing two inner south suburbs into Murrumbidgee would “create a situation where a couple of our member residents associations will be in a different electorate, doubling the number of local members the Council will need to deal with, from 5 to 10, on issues affecting the inner south”. They argue that this will increase the workload both for the Inner South Canberra Community Council, the 10 affected local Members and relevant Government directorates.

The Inner South Canberra Community Council concludes by providing similar objections to the Yarralumla Residents Association by arguing that Yarralumla and Deakin’s community of interests lay with the inner south which is reinforced by geography; and by arguing that any NCA related matters relevant to Yarralumla will now have responsibility split between MLAs for Kurrajong and Murrumbidgee.

Chris Erett

Mr Erett argues that the proposed electoral boundaries unnecessarily bifurcates the Canberra Central district, arguing that the proposed boundaries do not adequately address sections 36(c)(i), (iii) and (iv) of the Electoral Act.

Mr Erett contends that the proposed redistribution would “result in the members for Murrumbidgee being responsible for representing the community interests of five distinctive towns/districts: Woden Valley; Weston Creek; Molonglo Valley; Tuggeranong; and Canberra Central”. This, he states, would be a poor outcome for both the Members of this Murrumbidgee, and their constituents.

Mr Erett also reinforces his earlier suggestion that Kambah West be split between Brindabella and Murrumbidgee; addressing the quota requirements of both electorates while avoiding the need to reallocate Yarralumla and Deakin.

Elizabeth Gillespie

Ms Gillespie provides five reasons supporting why she believes moving Deakin and Yarralumla and splitting Kambah should not occur.

Firstly, she believes that the residents of Kambah would prefer to “retain their local interests within the strong community of Kambah”.

Secondly, Ms Gillespie outlines the shared history Yarralumla and Deakin maintain with the adjoining suburbs of the inner south and inner north, which she contends is to a greater extent to that shared with the adjoining newer suburbs of Curtin, Hughes and Garran.

Thirdly, Ms Gillespie states that Yarralumla’s community of interest is geographically reinforced with the inner south but separated from Weston Creek and the other areas of Murrumbidgee.

Fourthly, Ms Gillespie contends that within the next couple of years large housing developments are planned for Woden, Curtin and Yarralumla; impacting the population of Kurrajong and therefore removing the need for a change of boundaries for Yarralumla and Deakin.

Finally, Ms Gillespie argues that Yarralumla shares the lake and its shoreline with other Canberra Central suburbs like Acton, Barton and Kingston; reinforcing the link between those areas and contends that managing lake and designated land issues and liaising with the NCA will be made more difficult and inefficient the more ACT electorates are involved.

Whether to hold a public hearing into the objections

An important consideration for the Augmented Electoral Commission was to decide whether it was necessary to hold a public hearing into some or all of the objections.

Section 49 of the Electoral Act (Investigation of objections) provides:

- (1) The augmented commission shall investigate each objection made in accordance with section 46.
- (2) For the purpose of investigating an objection, the augmented commission shall hold a public hearing, unless it is of the opinion that —
 - (a) the matters raised in the objection (or substantially the same matters) were raised in suggestions or comments given to the redistribution committee in accordance with the notice under section 41 (1) (Suggestions and comments about redistribution); or
 - (b) the objection is frivolous or vexatious.

The Augmented Commission did not consider that any of the objections received were frivolous or vexatious. Therefore, the task of the Augmented Commission was to decide if any of the matters raised in the objection (or substantially the same matters) were not raised in suggestions or comments given to the Redistribution Committee.

As discussed further below, the Augmented Commission did not consider that any of the objections raised substantial new matters that had not been canvassed in the initial rounds of public suggestions and comments. Therefore, the Augmented Commission did not consider that it was necessary to hold a public hearing into any of the objections. As discussed in detail in the following section: *Investigation of the objections*, the Augmented Commission gave full consideration to each of the lodged objections.

The objection submitted by the Canberra Liberals indicated support for the proposed boundaries, and hence did not raise any new matters.

The objection submitted by ACT Labor indicated support for the proposed boundaries in relation to the electorates of Ginninderra and Yerrabi and did not raise any new matters in relation to this northern aspect of the redistribution. The Augmented Electoral Commission was of the view that the arguments made by ACT Labor in relation to the southern aspect of the redistribution were significantly similar to those made by ACT Labor in their original suggestion and therefore did not raise any new matters.

The Deakin Residents Association's objection was significantly similar to their previously lodged comment and did not raise any new matters.

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The Yarralumla Residents Association, Inner South Canberra Community Council and Chris Erett each argued for a more granular division of the suburb of Kambah in order to minimise or eliminate the need for further boundary adjustments to Murrumbidgee and Kurrajong. Such a suggestion was made by the Weston Creek Community Council at both the suggestion and comments phase and was considered in detail by the Redistribution Committee. Accordingly, the Augmented Electoral Commission did not consider this to be a newly raised issue.

The Augmented Electoral Commission felt that while the provision of survey data by the Yarralumla Residents Association (and also included within the Inner South Canberra Community Council's objection) was an element submitted as part of the objection period only, the matters raised in the survey were primarily concerned with community of interest matters. Accordingly, the Augmented Electoral Commission took the view that these matters had been previously canvassed in the initial rounds of public suggestions and comments.

Other matters raised by the Yarralumla Residents Association, Elizabeth Gillespie and the Inner South Canberra Community Council, centering on Yarralumla and/or Deakin's geography and linkages to other Kurrajong based suburbs and their shared interests were also deemed to be substantially the same matters raised at earlier stages of the redistribution process within the meaning of section 49 of the Electoral Act.

The Inner South Canberra Community Council and Yarralumla Residents Association argued that future developments and growth in current Murrumbidgee suburbs will likely result in the need for Yarralumla and/or Deakin to be reallocated back to Kurrajong as part of subsequent redistributions. Elizabeth Gillespie offered that planned housing developments in Woden, Curtin and Yarralumla will remove the need for a change of boundaries for Yarralumla and Deakin. However such considerations of potential demographic changes beyond 2020 cannot be considered by the Augmented Electoral Commission in its deliberations for the boundaries to support the 2020 Legislative Assembly election. Accordingly, the Augmented Electoral Commission determined these matters did not necessitate a public hearing.

Likewise, the assertion by the Inner South Canberra Community Council that the number of MLAs engaged on issues affecting the inner south will double is not unique to these suburbs alone. The Augmented Commission considered that this is the case where any district is divided across two or more electorates with common community of interests. Accordingly, the Augmented Electoral Commission took the view that this was not a new issue in deliberations and did not necessitate a public hearing.

Finally, Mr Erett's contention that the members for Murrumbidgee would be responsible for multiple distinctive towns/districts should the two Kurrajong suburbs be reallocated, was viewed by the Augmented Electoral Commission as unavoidable under any of the alternative options for resolution should the option to further divide Kambah be rejected (discussed in more detail below). Based on the unanimous decision of the Commission to reject a more granular division of Kambah, the Augmented Electoral Commission took the view that this issue did not necessitate a public hearing.

The Augmented Electoral Commission was therefore satisfied that no new or substantive arguments had been made as part of the objection period that warranted the holding of a public hearing.

Investigation of the objections

In investigating the objections to the Redistribution Committee's proposed boundaries, the Augmented Commission was mindful that its deliberations were subject to and constrained by section 36 of the Electoral Act.

Section 36 of the Electoral Act sets out the criteria under which a redistribution is to be conducted. This section prescribes that the Augmented Commission, in making a redistribution of electorates, shall:

- (a) ensure that the number of electors in an electorate immediately after the redistribution is within the range permitted by the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 67D(2) [not greater than 110%, or less than 90%, of the quota];
- (b) endeavour to ensure, as far as practicable, that the number of electors in an electorate at the time of the next general election of members of the Legislative Assembly will not be greater than 105%, or less than 95%, of the expected quota for the electorate at that time ascertained in accordance with the formula set out in the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section subsection 67D(1); and
- (c) duly consider —
 - (i) the community of interests within each proposed electorate, including economic, social and regional interests;
 - (ii) the means of communication and travel within each proposed electorate;
 - (iii) the physical features and area of each proposed electorate;
 - (iv) the boundaries of existing electorates; and
 - (v) the boundaries of divisions and sections fixed under the *Districts Act 2002*.

Objections suggesting a more granular dissection of the suburb of Kambah

The objections submitted by Chris Erett, the Yarralumla Residents Association and the Inner South Canberra Community Council each propose a more granular dissection of Kambah with the aim of eliminating the need for additional adjustments to the boundaries of Murrumbidgee and Kurrajong.

The objection submitted by the Yarralumla Residents Association, and largely echoed in the Inner South Canberra Community Council's submission, states:

"As the Committee's Report notes, neither Kurrajong nor Murrumbidgee electorates require adjustment "sitting comfortably within the current and projected enrolment quota parameters". It is only because the larger part of Kambah (Kambah West) is proposed to be moved to Brindabella that there is a need to increase the numbers in Murrumbidgee. If Kambah West and part of Kambah East is left in Murrumbidgee there is no need to move Yarralumla and Deakin to make up the numbers in Murrumbidgee."

The objection continues:

“The Redistribution Committee’s objective could simply and more easily be achieved by leaving Kambah West in Murrumbidgee and adjusting the boundaries of Kambah East to retain 1000 projected residents in Murrumbidgee and move only 3842 projected residents from part of Kambah East to Brindabella instead. This is the only change that would be required and would result in a change to only one boundary rather than two.”

This is a similar argument as that proposed by the Western Creek Community Council in both their initial suggestion and then restated in their lodged comment.

The Redistribution Committee had considered this approach earlier by gathering current enrolment data based on the smaller geographical areas known as SA1s. Based on this data the Redistribution Commission was able to identify a number of SA1s from the southern portion of Kambah that, when amalgamated with the other suburbs from the current Brindabella electorate, allowed for each of the electorates of Brindabella, Murrumbidgee and Kurrajong to fit within the legislated quota requirements and left all other Kurrajong and Murrumbidgee boundaries unchanged.

The Redistribution Committee however formed the view, subsequently upheld by the Augmented Electoral Commission, that dissecting any suburb based on these smaller geographical areas, without clear and easily communicable boundaries, is fraught with difficulty and opens significant avenues of confusion across the community and the Legislative Assembly. Additionally, ABS advice was that enrolment projections of smaller geographical SA1 population areas are inherently less accurate and increase the risk of boundary determinations being based on insufficiently derived projections.

The Augmented Electoral Commission agreed with the finding of the Redistribution Committee that, in order to comply with the quota requirements, the SA1 configured boundary that would be established to split that portion of Kambah to be held within Brindabella from that portion to be held within Murrumbidgee, would need to run along multiple smaller and relatively less transited suburban streets. The committee’s view was that such an ill-defined boundary would create a high degree of confusion amongst the electors of Kambah and would prove difficult for the elected MLAs to identify the specific electors that they have been elected to represent. Accordingly, the Augmented Electoral Commission upheld the view of the Redistribution Committee and unanimously rejected this suggestion as a means of determining the electorate boundaries for the 2020 election.

Objection to the placement of the suburbs of Deakin and Yarralumla

Community of interest and geography

Each of the submissions lodged by the Deakin Residents Association, Yarralumla Residents Association, Inner South Canberra Community Council and Elizabeth Gillespie, raised objections to the placement of Deakin and/or Yarralumla based on arguments relating to section 36(c) of the Electoral Act, which states that the Augmented Electoral Commission shall duly consider:

“(i) the community of interests within each proposed electorate, including economic, social and regional interests; and

- (ii) the means of communication and travel within each proposed electorate; and
- (iii) the physical features and area of each proposed electorate; and
- (iv) the boundaries of existing electorates; and
- (v) the boundaries of divisions and sections fixed under the *Districts Act 2002*'

The objections of the Yarralumla Residents Association and Inner South Canberra Community Council, submitted with near identical language, argue that:

"The community of interest of Deakin and Yarralumla with the inner south is reinforced by geography. Residential areas of Deakin and Yarralumla are geographically separated from Weston Creek, Molonglo, and the Woden Valley whereas they adjoin the other inner south suburbs. Yarralumla shares Lake Burley Griffin and its shoreline and adjacent areas with other Central Canberra suburbs like Acton, Barton and Kingston reinforcing Yarralumla's links with those suburbs."
[Inner South Canberra Community Council]

While Elizabeth Gillespie similarly states:

"Yarralumla and Deakin share a history and character with the adjoining suburbs of inner south and inner north, to a much greater extent than they do with the adjoining newer suburbs of Curtin, Hughes and Garran. Yarralumla was first settled in the 1920s and along with Ainslie are the two oldest suburbs in Canberra.

...Yarralumla's community of interest with the inner south is reinforced by geography. Yarralumla is geographically separated from Weston Creek, Molonglo, Curtin and Woden Valley by large expanses of open space whereas it geographically abuts Deakin which in turn abuts the other inner south suburbs."

The Deakin Residents Association note that:

"Deakin is geographically part of the inner south of Canberra.

Deakin is a unique garden suburb with strong heritage issues similar to surrounding suburbs and unlike many of those in the Woden area; a major issue for Deakin is preservation of its historic garden suburb status.

Deakin hosts a number of national institutions such as embassies and The Lodge. It is a varied suburb and less a dormitory suburb like Garran, Hughes or Curtin. Many issues in the Molonglo Valley are different.

Parts of Deakin are covered by NCA planning zones and rules which overlap with ACT Govt planning requirements and as such have a close affiliation with Forrest and other inner south suburbs

Deakin is bounded by two National Avenues (Adelaide and Melbourne) with heritage issues relevant to that status; unlike suburbs in Murrumbidgee. It adjoins the nationally significant National Parliament and the Central National Area.

Deakin and Yarralumla have very similar planning and resident issues and interests and should be kept in the same electorate."

The Augmented Electoral Commission discussed these views in detail.

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However, noting the need to increase the enrolled population in the electorate of Brindabella and the considerable issues involved with the inclusion of the entire suburb of Kambah within Brindabella (requiring the unsatisfactory allocation of alternative Tuggeranong District suburbs such as Wanniasa or Fadden to Murrumbidgee), or the inclusion of Kambah within the electorate of Murrumbidgee (requiring the impractical extension of Brindabella deep into Kurrajong through the inclusion of Beard, Oaks Estate, Narrabundah and Jerrabomberra District), the Augmented Electoral Commission ultimately upheld the proposal of the Redistribution Committee to split Kambah using Drakeford Drive as an east/west divide, rather than dissecting Kambah down to SA1 level.

Having confirmed Brindabella inclusive of Kambah West fell within current and projected enrolment quotas, the Augmented Electoral Commission then sought to identify options to increase the enrolled population of Murrumbidgee with minimal disruption to the local communities. The Commission noted that Murrumbidgee would fall 0.42% under current enrolment requirements and 4.07% under projected enrolment requirements with Kambah West taken from its responsibility. Accordingly, additional suburbs needed to be included within Murrumbidgee to bring its current and projected enrolment population figures within the required legislated parameters.

The Augmented Electoral Commission considered several options for achieving this requirement with the aim of identifying the one that best met the intention of s36(c) of the Electoral Act.

One option discussed in detail, having been previously raised as part of earlier public consultation phases by the Proportional Representation Society of Australia, was the inclusion of the Belconnen District suburbs of Cook and Aranda within Murrumbidgee. Although satisfying the quota requirements, this proposal was lacking when held against those same considerations in relation to Yarralumla and Deakin within Murrumbidgee when analysed against the considerations of s36(c). The Augmented Electoral Commission could not find strong arguments to support the economic, social and regional ties that these suburbs could hold with other Murrumbidgee suburbs, nor could it identify stronger arguments for the means of communication and travel against those held by the two Central Canberra District suburbs. The Commission could also not uphold the arguments raised by the above objectors in relation to the geographical differences between Murrumbidgee suburbs and Yarralumla and Deakin when held in contrast to those same issues in relation to Cook and Aranda.

Another potential solution deliberated by the Augmented Electoral Commission was to extend Murrumbidgee to the east; subsuming Symonston and Narrabundah. While this solution would again meet the quota requirements for both current and projected data, the Commission was unable to establish stronger 'community of interest' ties than those maintained through the inclusion of Yarralumla and Deakin in Murrumbidgee. Symonston and Narrabundah only being directly connected to other Murrumbidgee suburbs via a single thoroughfare; and physically isolated from those suburbs by large tracts of nature reserve and/or other Kurrajong suburbs such as Red Hill. The Augmented Electoral Commission was unable to develop an argument satisfactorily establishing stronger or more defined economic, social, communication or travel links between these two suburbs above and beyond those that can be established for the suburbs of Yarralumla and Deakin.

Finally, had the Commission taken the view that Kambah West was the more suitable of the two segments to remain in Murrumbidgee, it would have been possible for any one of either Yarralumla, Deakin or Red Hill to be moved between electorates. However, it was the strong and unanimous view of the Augmented Electoral Commission, like the Redistribution Committee before it, that Brindabella and Murrumbidgee were both served best by the decision to allocate Kambah East to Murrumbidgee and Kambah West to Brindabella. Accordingly, it was necessary for the Augmented Electoral Commission to identify which two Central Canberra District suburbs, if reallocated, would best meet the intensions of s36(c) of the Electoral Act. Accordingly, the Augmented Electoral Commission discussed the potential to include Red Hill as an alternative Kurrajong suburb, potentially replacing Yarralumla.

The Commission discussed the economic, social and regional interests, along with lines of communication and travel that Yarralumla and Red Hill share with other Murrumbidgee suburbs. It reviewed in detail the arguments posited in the lodged objections, but ultimately held the view that the two suburbs of Yarralumla and Deakin both hold a strong connection with the Woden Valley through transport links via Adelaide Avenue and Yarra Glen, as well as Carruthers St and Kent St; and economic and social links via the Woden Town Centre, which, it was held, provide for the main shopping hub for those residents. These links, the Augmented Commission maintains, are stronger than those held by the residents of Red Hill, whose residents are separated from Garran and Hughes by Red Hill Nature Reserve and share only one direct means of travel via Hindmarsh Dr.

Accordingly, the Augmented Electoral Commission felt that, while it is not an ideal situation to be splitting districts across multiple electorates, the reality is that some districts must be split across electorates to achieve the required equity in distribution of electors. The goal must therefore be to identify the most appropriate and conversely, least disruptive, solution. In support of the Redistribution Committee's findings, it is the conclusion of the Augmented Electoral Commission that the allocation of Yarralumla and Deakin to Murrumbidgee best meets the legislated considerations against all other possible solutions.

Liaising with government entities

The objections lodged by the Yarralumla Residents Association, Inner South Canberra Community Council and Elizabeth Gillespie, each raise, in near identical language, objections centred around the increased difficulties and inefficiencies of managing lake related and designated land matters brought about by the proposed increase in the number of Members of the Legislative Assembly with responsibility of the inner south:

“Managing Lake related issues and liaising with Commonwealth entities responsible for the Lake such as the National Capital Authority will be made more difficult and inefficient the more ACT electorates are involved.

Similarly, as significant areas of Deakin and Yarralumla are *designated land* under the National Capital Plan, under the Committee's proposal responsibility will be split between Legislative Assembly members for Kurrajong and Murrumbidgee in planning and other matters involving the NCA, resulting in further inefficiencies and duplication.” [Inner South Canberra Community Council]

Similarly, the Deakin Residents Association stated:

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“Parts of Deakin are covered by NCA planning zones and rules which overlap with ACT Govt planning requirements and as such have a close affiliation with Forrest and other inner south suburbs.”

Additionally, the Inner South Canberra Community Council argued that:

“The proposed redistribution would create a situation where a couple of our member residents associations will be in a different electorate, doubling the number of local members the Council will need to deal with, from 5 to 10, on issues affecting the inner south. The workload will increase significantly for the ISCCC, our member residents groups, the 10 local Members of the Legislative Assembly for Kurrajong and Murrumbidgee, and relevant Government directorates.”

In relation to this matter, the Augmented Electoral Commission agreed that it was not an ideal situation to be splitting districts and agreed that by doing so it does result in community councils having to liaise with an increased number of MLAs, as well as creating a situation where an increased number of MLAs have responsibility oversight of matters relating to that district. However, the Commission holds the view that the reality of the situation is that some districts are going to have to be split across electorates and the issues raised in these objections, while specifically different, are not substantively different, to those of any other community that is, or could be, split across electorates. While the Augmented Electoral Commission did note the uniqueness of the matters involving the National Capital Authority, it did not view this argument as sufficiently powerful enough to override the larger issues of community of interest that are maintained by any of the other potential solutions mentioned above.

For this reason, the Augmented Electoral Commission did not uphold these objection matters.

Future changes in population numbers

Elizabeth Gillespie, the Yarralumla Residents Association and the Inner South Canberra Community Council, all raise an objection based around concerns that future population increases in and around the Molonglo Valley and Curtin, will have the result of reversing the need to include the inner south suburbs of Yarralumla and Deakin in Murrumbidgee at subsequent redistributions.

“Within the next couple of years large housing developments are planned for Woden, Curtin and Yarralumla. These developments will have a large impact on the population for the electorate of Kurrajong. This significant increase in the population, will remove the need for a change of boundaries for Yarralumla and Deakin.” [Elizabeth Gillespie]

“The risk with the Redistribution Committee’s proposal is a yo-yo situation where rapid population growth in Molonglo and urban infill in Woden risks a further redistribution at the following election that will see Deakin and/or Yarralumla moving back again to Kurrajong. The Redistribution Committee’s Report recognises Molonglo as an area of high growth in the ACT, and Molonglo and Curtin have both been identified in the ACT Planning Strategy 2018 as urban intensification localities. If, as expected, the population in Murrumbidgee increases and exceeds 5% above the quota the logical response would be to move Deakin and/or Yarralumla back to Kurrajong. This will cause further disruption to residents as well as ACT Government Ministers and Members.” [Inner South Canberra Community Council]

The Augmented Electoral Commission is not able to take into consideration these arguments as they are not within its remit for consideration. Section 36(b) of the Electoral Act prescribes the breadth of the Augmented Electoral Commission’s considerations to the projected enrolment levels at the time of the next general election. The Electoral Act requires the Augmented Electoral Commission to endeavour to ensure, as far as practicable, that the number of electors in an electorate at the time of the next general election is within the range of not greater than 105% nor less than 95% of the quota at that time. The next general election is due to be held on 17 October 2020 under section 100 of the Electoral Act.

In order to comply with this criterion, the ACT Electoral Commission engaged the Australian Bureau of Statistics (ABS) to project enrolment, largely at the suburb level, as at 17 October 2020. The projected enrolment statistics were calculated by the ABS according to assumptions reflecting prevailing trends and anticipated new dwelling occupancies.

Accordingly, future housing developments that occur outside of the considerations for the 2020 ACT election and are assumed to affect population figures that could result in boundary alterations at subsequent redistributions, are not matters that the Augmented Electoral Commission could include in its deliberations. The Augmented Electoral Commission also noted that any yet to be completed housing developments that will increase population figures for any Murrumbidgee or Kurrajong areas before the October 2020 ACT election, will have already been included, to the best of the ABS’s ability, in the data used by the ABS to derive its projected enrolment figures.

The Commission noted however, that the enrolment projections for October 2020 are simply projections; based on current enrolment statistics and anticipated population changes, considering past population growth and projected housing developments. While projected housing developments are a critical element to the formation of projected enrolment data, the methodology used to calculate projected enrolment at the time of the 2020 election may not fully and accurately take account of all new developments expected to occur in the ACT. The Augmented Electoral Commission accordingly must rely on the data at hand and cannot make its determinations on assumptions without a statistical basis.

For these reasons, the Augmented Electoral Commission did not uphold these objection matters.

Survey results

The Yarralumla Residents Association presents data on the results of an inhouse survey conducted of its members, the results of which are also relayed via the submission lodged by the Inner South Canberra Community Council.

“The survey results overwhelmingly showed the residents had a strong community of interest with other inner south suburbs such as Deakin, Manuka, Griffith and Forrest rather than [sic] Woden Valley [sic] Curtin, Weston Creek and Molonglo. 94% of respondents agreed or strongly agreed that Yarralumla has a stronger community of interest with other inner south suburbs rather than suburbs in the electorate of Murrumbidgee....81% of respondents also agreed or strongly agreed that Yarralumla has similar social, economic and planning and environmental issues to inner south suburbs rather than the existing Murrumbidgee suburbs.”

The Augmented Electoral Commission discussed the survey results offered by the Yarralumla Residents Association, noting the survey was of Yarralumla Residents Association members only (Yarralumla Residents Association membership is 123 out of 1410 households in Yarralumla as at 30 June 2019) and was not an independently run survey across a broader sample. The members of the Augmented Electoral Commission agreed that the topics raised in the survey were not new matters and provided evidence only to support the arguments being lodged within the objection.

The Augmented Electoral Commission noted the survey results and discussed the matters in relation to the broader ‘community of interest’ matters raised by the Yarralumla Residents Association, Inner South Canberra Community Council, Deakin Residents Association and Elizabeth Gillespie, but did not place weight against the survey results in its deliberations.

Objection matters raised by ACT Labor

ACT Labor stated within their lodged objection:

“We believe that the proposal to redistribute the inner south suburbs of Deakin and Yarralumla from Kurrajong into Murrumbidgee creates a significant problem for maintaining this community of interest together and providing for good democratic representation for the residents of this area.... We understand that one may take a narrow reading of this paragraph and interpret its aim purely as ensuring that no ‘zig-zagging’ of divisional boundaries would occur. However we believe that community interest calls on the Redistribution Committee to take a broader, more inclusive view.... It is our view that the Commission should consider whether it is practicable to redistribute a single suburb from the electorate that incorporates its natural community of interest - Kurrajong into an electorate with which it has very little relationship - Murrumbidgee... We believe that the costs to the local community outweigh the problem of Murrumbidgee falling 1.66% below the projected quota threshold. We therefore request that the Redistribution Committee reconsider their proposal concerning the boundaries for Kurrajong and Murrumbidgee and maintain Yarralumla and Deakin within the division of Kurrajong.”

The Augmented Electoral Commission discussed ACT Labor's comments in regard to placing greater weight upon 'community of interest' matters over compliance with legislated quota requirements. Commission members unanimously agreed that the Electoral Act provides language placing greater emphasis upon the quota requirements outlined at s36(b) through the use of the wording 'endeavour to ensure' over and above the wording requiring the Augmented Electoral Commission to 'duly consider' the matters following s36(c). In discussions centred on these matters the members of the Augmented Electoral Commission agreed that the choice of the word 'endeavour' within s36(b) is an acknowledgment that the projected enrolment figures cannot be held as absolute and that the projected enrolment statistics calculated by the ABS are calculated according to assumptions reflecting prevailing trends and anticipated new dwelling occupancies. The word 'endeavour', in the view of the Commission, does not provide the ability to determine boundaries that are known to fall outside of compliance with the supplied projected enrolment data quota. The Augmented Electoral Commission held that it was bound to comply with s36(b) of the legislation in its decisions.

For this reason, the Augmented Electoral Commission did not uphold ACT Labor's objection.

Objection in relation to multiple district responsibility

The objection submitted by Chris Erett argues that:

"The proposed redistribution would result in the members for Murrumbidgee being responsible for representing the community interests of five distinctive towns/districts: Woden Valley; Weston Creek; Molonglo Valley; Tuggeranong; and Canberra Central. This would be a poor outcome for both the members of this electorate, and their constituents, in the Legislative Assembly. I note that members of other electorates would be representing constituents in one or two significant districts."

The Augmented Electoral Commission discussed the matters raised by Mr Erett, but ultimately held that, having unanimously rejected the proposition to further dissect Kambah down to SA1 level, such matters were a reality of any of the alternative solutions for increasing the enrolment population of Murrumbidgee. Allocating Cook and Aranda from the Belconnen District, or Narrabundah and Symonston in the east, would both result in additional district responsibilities for the Members of Murrumbidgee.

For this reason, the Augmented Electoral Commission did not uphold Mr Erett's objection.

Conclusion

For the reasons given above, the Augmented Commission proposes to adopt the Redistribution Committee's proposed names and boundaries unchanged.

Next stage of the redistribution process

As the Augmented Commission has accepted the proposal of the Redistribution Committee without change, the proposal of the Augmented Commission is not, within the meaning of section 51(2)(c) of the Electoral Act, significantly different from the Redistribution Committee's proposal. Consequently, there are no further opportunities for public objections. The Augmented Commission will formally complete the redistribution process in the near future by publication of a notifiable instrument of determination under section 35 of the Electoral Act and publication of a report concerning the redistribution under section 53 of the Electoral Act.

Augmented ACT Electoral Commission

Dawn Casey — Damian Cantwell AM — Philip Moss AM
Ben Ponton — Jeffrey Brown — Beidar Cho

2 July 2019

ACT
Legislative
Assembly

Electoral Boundaries
Redistribution 2019

Statement by the Augmented ACT
Electoral Commission of its reasons
for its proposed redistribution
of the ACT Legislative Assembly
electoral boundaries

